

**California Regional Water Quality Control Board
Santa Ana Region**

**Minutes of October 31, 2014 Board Meeting
City of Loma Linda
25541 Barton Road
Loma Linda, CA 92354**

1. Chair, Ruh called the meeting to order at 9:00 a.m.

Board Members Present

Board Members Absent

William Ruh, Chair
Linda Ackerman, Vice-Chair
Susan Longville
William P. von Blasingame
James Famiglietti

Tom Rivera

Staff Members Present

Kurt V. Berchtold, Executive Officer
David Rice, Regional Board Counsel
Michael J. Adackapara, Supervising Water Resource Control Engineer
Hope A. Smythe, Environmental Program Manager
Wanda Cross, Chief of Basin Planning - Coastal Waters
Stephen Mayville, Chief of Enforcement and Dairy Units
Mark G. Adelson, Chief of Regional Planning
Ann E. Sturdivant, Chief of Site Cleanup
Michelle Beckwith, Chief of Stormwater - Coastal
Adam Fischer, Environmental Scientist
Felipa Carrillo, Executive Assistant
Kevin Heinemann, Senior Information Systems Analyst
Daniel Mefford, Staff Information Systems Analyst

Public In Attendance

Greg Woodside, OCWD
Ed Petti, LLU
Rebecca Franklin, SBMWD
Mark Baker, Coutech
Colin Kelly, OC Coastkeeper
Cyndi Moore, Babcock Labs
George Muse, MWD SC
Jason Uhley, RCFC & WCD
Julianna Gonzalez, RCFC & WCD
Rebecca Andrews

Chris Berch, IEUA
Bart Koch, MWD
Don Lee, Tetra Tech
Mark Norton, SAWPA
Jack Nelson, YVWD
Allison Mackenzie, Babcock Labs
Mary Ann Skorpanich, County of Orange
Jayne Joy, EMWD
Todd Temple, Loma Linda University
Devin Slaven, City of Lake Forest

2. Public Forum

Colin Kelly, staff attorney with Orange County Coastkeeper, suggested that Regional Board meetings dealing with issues related to Orange County be held in the Orange County area. Executive Officer Kurt Berchtold indicated that he would take that into consideration when finalizing the 2015 calendar. Mr. Kelly also talked briefly about the AES Huntington Beach facility and wanted to know when the NPDES permit renewal was going to be scheduled for a Board hearing.

3. State Water Resources Control Board (State Board) Liaison Report
There was no report.

4. Approval of the Minutes of September 19, 2014 Board Meeting

Motion: It was moved by Board Member Longville, seconded by Board Member von Blasingame, and unanimously carried to approve the Minutes of the September 19, 2014 Board Meeting Minutes as presented.

5. Status Update on the Draft Orange County MS4 Permit (information item)

Executive Officer Kurt Berchtold introduced Environmental Scientist Adam Fischer for presentation of this item.

Mr. Fischer reported that Regional Board staff had received 250 comments in approximately 18 letters on the draft MS4 Permit during the comment period. He reported that significant progress had occurred on many of the issues that the Board had heard about during the June workshop. However, issues surrounding the permit language regarding the Receiving Water Limitations and TMDL sections had caused significant delays. Mr. Fischer reported that the response to comments had been prepared and additional changes were being made to the next draft of the MS4 Permit. The next draft could be released in November and the tentative Permit was expected to be brought before the Board in January 2015.

Board Member Longville asked if the draft permit could be forwarded to them in advance, in order to have a better understanding before taking action.

6. Enforcement Program Update (information item)

Executive Officer Kurt Berchtold provided a brief background of this item, and introduced Chief of Enforcement Section, Steve Mayville, for presentation of this item.

Mr. Mayville provided a general overview of enforcement actions, enforcement tools, and the State Board policies related to enforcement and supplemental environmental projects (SEP). He explained the formal and informal enforcement tools and various types of enforcement actions using these tools, including: (1) Administrative Civil Liability (ACL); (2) Mandatory Minimum Penalty (MMP) for Stormwater NPDES permit violations; and (3) Mandatory Minimum Penalty for wastewater NPDES permit violations. Mr. Mayville indicated that staff uses the penalty calculation methodology in the Enforcement Policy in assessing the penalties. He added that a number of factors are considered in assessing the penalty, including: (1) the harm to the environment; (2) the characteristics of the discharge; (3) the quality and quantity of the discharge; (4) history of violations; and (5) cooperation in cleanup efforts. Mr. Mayville explained the ACL issuance process and the separation of functions issue. He also explained how the SEPs are handled and how the ACLs and the settlement agreements are posted on the website for public comments before they are finalized.

There were questions from several of the Board Members, and their questions were answered by both Mr. Mayville and Mr. Berchtold.

7. Impacts of Drought on Water Quality in the Santa Ana Region (information item)

Executive Officer Kurt Berchtold said that a number of speakers from major water agencies within the region were invited to present to the Board information on the effect of the drought, as well as their response to the drought.

Speakers:

Mark Norton, SAWPA, presented an overview of the challenges we are facing, including the drought's impacts on meeting the wasteload allocations for various dischargers and the State's efforts to increase the use of recycled water. He indicated that the groundwater levels in San Bernardino Basin area are at a record low. He also said that some agencies are finding that they may be exceeding the TDS limits in their recycled water permits.

Bart Koch presented an overview of the Metropolitan Water District's allocations from the State Water Project and the Colorado River. He indicated that with the increase in the use of Colorado River water the salinity has increased considerably. He also indicated that during the last few years of drought, the demand had far exceeded available water resources in the region.

Jayne Joy, Eastern Municipal Water District, expressed concerns related to compliance with wasteload allocations under the drought conditions due to significant increases in the salinity of water supply.

Board Members vonBlasingame and Famiglietti asked a number of questions that were answered by Ms. Joy.

Ganesh Krishnamurthy with the Elsinore Valley Municipal Water District indicated that 70% of its water supplies were from the State Water Project and now it has been replaced with high salinity Colorado River water. He indicated that the salt offset programs are becoming increasingly onerous because of the drought conditions.

Chris Berch, IEUA, spoke about the water portfolio over time, salinity in current water supply versus State Water Project salinity, and regional salinity issues.

Greg Woodside, OCWD, spoke about the benefits of the Groundwater Replenishment System (GWRS), its purification process using reverse osmosis, its components, and the water quality benefits. He presented a comparison of salinity in GWRS and Colorado River water.

These agencies were all concerned about the effect of drought on a state-wide and regional level. They all expressed concerns with specific permit conditions not being met due to the drought, and asked if the Basin Plan objectives and/or permit limitations were to be revised to reflect the increase in salinity of source water.

In closing, Executive Officer Kurt Berchtold indicated that today's objective was to raise the water quality and compliance issues related to drought conditions.

Board Member Ackerman said that Metropolitan Water District is encouraging turf removal, and exploring other ways to decrease water usage at commercial and residential facilities.

Board Member Famiglietti commented that in anticipation of rainfall, we should not forget the concerns mentioned today.

8. Board Meeting Dates and Locations for 2015

Executive Officer Kurt Berchtold asked Board Members to review the proposed dates for the 2015 Board meetings and compare them with their calendars for any conflicts in the dates, and be ready to adopt the meeting dates for 2015 at the next meeting in December.

9. Regional Board Member and Executive Officer Communications

Board Member vonBlasingame asked if the State-wide drought report was available on the State Board's website. Executive Officer Kurt Berchtold said he would look into it. Executive Officer Kurt Berchtold said a lot of good information was provided at the WQCC meeting.

16. Closed Session
There was no closed session.

Adjournment

The meeting was adjourned at 11:29 p.m., to the regular Board meeting of December 12, 2014 at 9:00 a.m., at the Santa Ana Regional Center, Bldg. A, aka: Training Career Development Center, Conference Room AB105, 1928 S. Grand Avenue, Santa Ana, CA 92705.

Respectfully submitted:

KURT V. BERCHTOLD
Executive Officer

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